

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: JUUL LABS, INC., MARKETING,  
SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION

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This Document Relates to:

*All Plaintiffs Identified in Exhibit A*

Case No.:19-MD-02913-WHO

Hon. William H. Orrick

Date: May 29, 2024

Time: 2:00 pm

**DECLARATION OF DAVID KOUBA**

1. I, David Kouba, am over eighteen years of age and am competent to testify to the facts stated herein. The facts set forth in this affidavit are from my personal knowledge.

2. On July 26, 2023, Altria and Plaintiffs leadership in the MDL No. 2913 and JCCP No. 5052 entered into a Settlement Agreement to establish a program to resolve the actions, disputes, and claims that the setline Personal Injury Plaintiffs and their counsel have or could have against Altria.

3. Pursuant to Section 9.3 of the Settlement Agreement, the Settlement Administrator was directed to, among other tasks, “no later than January 19, 2024 . . . provide to Plaintiffs’ Leadership and Altria a list of all Personal Injury Opt-Outs and Non-Communicating Plaintiffs, as defined by Section 1.35 of the Settlement Agreement.”

4. BrownGreer PLC (“BrownGreer”) functioned as personal Injury Settlement Administrator.

5. On January 19 2024, BrownGreer provided Altria with a list of 1582 Non-Communicating Plaintiffs, 524 of which BrownGreer identified as plaintiffs in the MDL action.

6. 6. On January 26, 2024, BrownGreer provided Altria with an updated list of 1553 Non-Communicating Plaintiffs, 517 of which BrownGreer identified as plaintiffs in the MDL action.

7. 7. On February 2, 2024, Brown Greer provided Altria with an updated list of 1551 Non-Communicating Plaintiffs, 519 of which BrownGreer identified as plaintiffs in the MDL action.

8. 8. On February 9, 2024, BrownGreer again provided Altria with an updated list of Non-Communicating Plaintiffs that included 1518 plaintiffs, 512 of which BrownGreer identified as plaintiffs in the MDL action.

9. On February 16, 2024, BrownGreer provided the Parties with a revised Non-Communicating Plaintiffs list that included 923 plaintiffs, 240 of which BrownGreer identified as plaintiffs in the MDL action.

1           10. On February 23, 2024, BrownGreer provided the Parties with a revised Non-  
2 Communicating Plaintiffs list that included 916 plaintiffs, 241 of which BrownGreer identified as  
3 plaintiffs in the MDL action.

4           11. On March 1, 2024, BrownGreer provided the Parties with a revised Non-  
5 Communicating Plaintiffs list that included 915 plaintiffs, 240 of which BrownGreer identified as  
6 plaintiffs in the MDL action.

7           12. On March 15, 2024, BrownGreer provided the Parties with a revised Non-  
8 Communicating Plaintiffs list that included 914 plaintiffs, 240 of which BrownGreer identified as  
9 plaintiffs in the MDL action.

10           13. On March 29, 2024, BrownGreer provided the Parties with a revised Non-  
11 Communicating Plaintiffs list that included 908 plaintiffs, 240 of which BrownGreer identified as  
12 plaintiffs in the MDL action.

13           14. On April 1, 2024, BrownGreer provided the Parties with a revised Non-  
14 Communicating Plaintiffs list that included 905 plaintiffs, 238 of which BrownGreer identified as  
15 plaintiffs in the MDL action.

16           15. On April 16, 2024, BrownGreer provided the Parties with a revised Non-  
17 Communicating Plaintiffs list that included 884 plaintiffs, 232 of which BrownGreer identified as  
18 plaintiffs in the MDL action.

19           16. On April 19, 2024, BrownGreer provided the Parties with a revised Non-  
20 Communicating Plaintiffs list that included 875 plaintiffs, 231 of which BrownGreer identified as  
21 plaintiffs in the MDL action.

22           17. Of the 231 Non-Communicating plaintiffs BrownGreer identified in the MDL action,  
23 this motion only addresses 193 Non-Communicating plaintiffs, because the remaining plaintiffs  
24 identified with respect to the MDL action have had their claims previously dismissed with prejudice,  
25 or in the alternative, voluntarily dismissed their claims, or are non-coordinated.

26           18. These 193 plaintiffs are included in Exhibit A to JLI's Motion to Dismiss with  
27 Prejudice Non-Communicating Plaintiffs' Claims.  
28

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 23, 2024 in Raleigh, North Carolina.

/s/ David E. Kouba  
David E. Kouba